IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.1923 1986

Bank of India ..Plaintiffs

Vs.

C.S.Rajgor and Co. and Ors. ..Defendants

Mr.Sandip Bhagwat i/b V.Deshpande and Co.for the plaintiffs

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 3RD MARCH, 2006

P.C.:

1. The present suit is filed for the recovery of sum of Rs.5,19,088.93 as per the particulars of claim which is at Ex.A to the plaint with further interest thereon @ 19.5% p.a. Plaintiff is a bank carrying on banking business. Some time in or about 1979, the plaintiffs granted Foreign Bill Purchase Facility to the defendants and in pursuance to the said facility defendants had utilised the same and discounted various bills. Defendant no.6 has also given a guarantee which is

at Ex.B to the plaint. Under the said facility, the plaintiffs purchased on or about 8.4.82 a bill of exchange dt.7.4.82 for a sum of US$ 47,175 equivalent to Rs.4,29,199.83. The said bill of exchange was however, dishonoured on presentation. At the foot of the account in respect of the said bill of exchange facility, there is an outstanding amount of Rs.5,19,088.93

2. Defendant no.1 is the partnership firm. Defendant nos.2 to 5 are the partners. Defendant no.6 is sued in his capacity as a guarantor. All the defendants have filed the written statement. Issues were framed. However, matter was on board on 10.2.06. None appeared for the defendants. Thereafter, the matter was on board on 17.2.06. None appeared and ultimately the matter was again on board on 24.2.06. On 24.2.06 also none appeared for the defendants and the issues were settled. Matter was therefore, kept today for ex-parte decree. Even today, none appears for the defendants. Plaintiffs have tendered the compilation of documents which are taken on record

and marked Ex.A collectively.

3. In that light of the matter, there shall be decree in favour of the plaintiffs and against the defendants for Rs.5,19,088.93 with further interest @ 12% p.a. from the date of the suit till payment and/or realisation. Suit disposed of. Refund of court fee as per rules.